



MISSOURI DEPARTMENT OF MENTAL HEALTH

MARK STRINGER, DEPARTMENT DIRECTOR



DEPARTMENT
OPERATING
REGULATION
NUMBER

DOR
6.155

CHAPTER Human Resources	SUBCHAPTER Personnel Administration	EFFECTIVE DATE 6/30/16	NUMBER OF PAGES 4	PAGE NUMBER 1 of 4
SUBJECT Temporary Modified Duty		AUTHORITY 630.050 RSMo	HISTORY See Below	
PERSON RESPONSIBLE Director, Office of Human Resources			Sunset Date: 7/01/19	

PURPOSE: To set guidelines for temporary modified duty with the goal of reducing employee absences and commensurate costs.

APPLICATION: Applies to the entire department. Applies to work-related and non-work-related injuries and illness.

(1) As used in this Department Operating Regulation (DOR), and in facility policies, the following terms mean:

(A) “CARO”, means the Central Accident Reporting Office of the Office of Administration.

(B) “FMLA”, means the Federal Family and Medical Leave Act.

(C) “Health Care Provider”, any person licensed to diagnose and treat physical or mental conditions.

(D) “Regular Wages”, for the purposes of this policy, regular wages shall mean the current base pay rate. It is comprised of the hours worked or paid leave and shall be pro-rated according to the hourly base pay rate. Base pay rate shall include related differentials as designated by the personnel advisory board if temporary modified duty is performed on the evening or night shift.

(E) “Temporary Modified Duty”, a temporary work assignment that meets the needs of the facility and the employee after an injury or illness due to a work related injury or non-work related injury.

Non-Work Related Injury or Illness

(2) When considering an employee for temporary modified duty due to a non-work related injury or illness, the appointing authority or designee shall comply with requirements of the Americans with Disabilities Act, Workers’ Compensation, the Family Medical Leave Act, and all other applicable state and federal requirements.

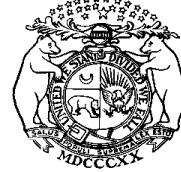
(3) An employee who requests temporary modified duty for non-work related injury or illness shall provide written documentation from the Health Care Provider, including but not limited to restrictions resulting from the injury or illness and the anticipated duration of the employee’s limitations. The appointing authority or designee may verify all medical conditions and may, at its own expense, request a second opinion.

(4) When determining whether an employee will be given temporary modified duty for a non-work related injury or illness, the appointing authority or designee shall



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OPERATING
REGULATION
NUMBER

DOR
6.155

SUBJECT Temporary Modified Duty	Effective date: 6/30/16	NUMBER OF PAGES 4	2 of 4
------------------------------------	----------------------------	----------------------	--------

consider the nature of the illness or injury, the anticipated duration of the employee's restrictions, recommendations of the Health Care Provider, second opinions, availability of temporary modified duty work assignments, and other relevant criteria.

(5) If an employee with a non-work related injury or illness and a written release to modified duty from a Health Care Provider refuses to accept a temporary modified duty assignment, the employee forfeits his/her rights to temporary modified duty provided that the facility has met the burden of a temporary modified duty assignment consistent with the limitations imposed by the Health Care Provider.

(6) For non-work related injury or illness a temporary modified duty assignment may be terminated at any time by the appointing authority or designee or the employee with written notification. If the temporary modified duty is terminated by the employee for reasons other than to return to work, the employee may use sick leave, annual leave, compensatory time or leave without pay for the absences.

(7) When an employee with a non-work related injury or illness has been released to return to work on a temporary modified duty assignment, the employee may choose not to accept the assignment and use sick leave, annual leave, compensatory leave or leave without pay for the absences.

(8) The Temporary Modified Duty program, for non-work related injuries/illnesses, is designed to be "TEMPORARY". A temporary modified duty assignment for a non-work related injury/illness shall not exceed sixty calendar days unless exceptions are approved by the appointing authority or designee, based on recommendations from the Health Care Provider and in compliance with the FMLA.

(9) At the request of the appointing authority or designee, the employee shall provide written statements from the Health Care Provider describing the employee's progress toward recovery.

Work Related Injury or Illness

(10) When an employee is released to return to work from a work related injury or illness, the Health Care Provider shall identify any restrictions which the facility shall consider in making the modified duty assignment. The facility may adjust the employee's work schedule and/or location to meet the needs of the facility and the requirements of the modified duty assignment.



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DEPARTMENT
OPERATING
REGULATION
NUMBER

DOR
6.155

SUBJECT Temporary Modified Duty	Effective date: 6/30/16	NUMBER OF PAGES 4	3 of 4
------------------------------------	----------------------------	----------------------	--------

(11) Employees with a work related injury/illness may be assigned to temporary modified duties until such time as:

- The employee is released to full duty by the medical care provider.
- The medical care provider determines that the employee has permanent medical restrictions that preclude the employee from performing his/her regular duties.
- 60 calendar days have elapsed from the day the employee was assigned temporary modified duties, subject for review by the appointing authority or designee, based on recommendations from the Health Care Provider and in compliance with the FMLA.
- The temporary modified duty assignment is no longer available or for other reasons deemed appropriate by the appointing authority.

(12) The facility should communicate with CARO when there are questions about the length of the temporary modified duty or the restrictions imposed.

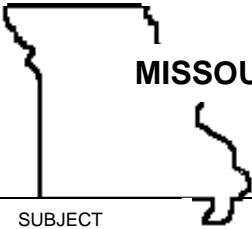
General

(13) If either a work related or non-work related illness or injury meets the criteria for protected absence under FMLA, the time spent in a temporary modified duty assignment is not considered part of the employee's 480 hours of leave protected under the Act. The employee's acceptance of a temporary modified duty assignment does not constitute a waiver of the employee's prospective rights, including the right to be restored to the same position or equivalent position to the position that the employee held at the time the employee's FMLA leave commenced. The employee's right to retention, however, ceases at the end of the applicable twelve month FMLA year.

(14) During any temporary modified duty assignment, the employee shall receive regular wages.

(15) Employees shall be required to perform the essential functions of their regular job assignments after completion of the modified duty assignment. See DOR 6.530 Essential Functions.

(16) If an employee is unable to perform the essential functions of his/her normal position at the expiration of the temporary modified duty timeframe, the employee may request to utilize FMLA (if applicable), or may request an accommodation.



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NUMBER

DOR
6.155

SUBJECT Temporary Modified Duty	Effective date: 6/30/16	NUMBER OF PAGES 4	4 of 4
------------------------------------	----------------------------	----------------------	--------

(17) An accommodation may be requested should the employee be released to work with restrictions or their medical condition impairs the employee's ability to perform the essential functions of his/her position. Employees seeking an accommodation are to contact their Human Resources office for specific information regarding the review process and to obtain a Reasonable Accommodation Request Form. Determinations are based upon the medical documentation provided, the facility's ability to permit the accommodation without creating an undue hardship and provided that the accommodation does not remove any of the employee's essential job functions.

Additional resources regarding potential accommodations can be explored through the State of Missouri's long term disability insurer.

History: Original DOR effective January 1, 1999. Sunset date extended effective July 1, 2002. Amendment effective February 1, 2004. Amendment effective December 1, 2005. On July 1, 2009, the sunset date was extended to July 1, 2012. On June 12, 2012, the sunset date was extended to July 1, 2015. Amendment effective October 11, 2012. Amendment effective June 30, 2016.